

Washington County Land Use Authority Meeting
April 10, 2012
(Recording Available)

The Washington County Land Use Authority Meeting was held Tuesday, April 10, 2012 in the Council Chambers of the Washington County Administration Building located at 197 E. Tabernacle, St. George, UT. The meeting was convened at 1:30 p.m. by Chairman Doug Wilson.

Commissioners present: Dave Everett, Mike Stucki, Kim Ford, JoAnn Balen, and Rick Jones.

Excused: Deborah Christopher, Julie Cropper (alternate).

Staff present: Deon Goheen, Planning & Zoning Administrator; Rachelle Ehlert, Deputy Attorney; Doreen Bowers-Irons, Planning Secretary; Todd Edwards, County Engineer Kurt Gardner, Building Official.

Audience attendance: John Willie, Pete Simmons, an unknown representative from Brown Engineering.

Chairman Wilson welcomed and thanked everyone for attending. He led the Pledge of Allegiance after which, he explained meeting protocol.

I. STAFF COMMENTS. Review staff comments for each agenda item listed; Staff initiated.

II. CONDITIONAL USE PERMIT EXTENSION. Review conditional use permit extension to install water lines from the source across SITLA land for future growth and upgrade for development in Dammeron Valley; Dammeron Corp/Brooks Pace, applicant and Brown Engineering, agent. (*Tabled March 13, 2012*)

The planner reported this item was tabled at the last meeting for further input from the County Engineer and review of inspections made. She showed a map of the route the transmission lines would cross along with a plan outline. She reported this is an automatic annual review. The project was completed several months after the request was made. This project should be approved on a permanent basis. The transmission lines were installed from Bonnie Springs wells to the existing Dammeron Valley Water Works System, approximately 1½ miles. Public utilities and transmission lines are required to come before the Planning Commission as a conditional use, regardless of whether they are on private or public lands. As previously reviewed, as a utility corridor, the County would request a map graphically showing the location, description, and dimensions of their easements. The Dammeron Valley Water Company is a privately owned water company, but serving more than the minimum number of homes, and could still come under the Department of Environmental Quality. The DEQ would make any inspections and write letters of approval. This item was approved with the following facts of findings and requirements:

Facts/findings:

- Proposed water line will equalize pressure to two (2) water tanks.
- Tees does not constitute approval of the road layout.
- The project will improve the existing system.
- SITLA granted easements.
- Notation on the construction drawings to indicate approval does not constitute approval of subdivision.

“No preliminary plat has been approved for the lot and road configuration shown. Any waterlines installed may need to be re-located, removed, or altered as development occurs to comply with the ordinances and standards in effect at the time of development”, and applicant obtain encroachment permits on County and State Roads.

Todd Edwards County Engineer, reported there were no hydrants installed. He went back out to the site to verify they were not installed after the original signoff and they were not. Brown Engineering was hired to inspect the line on the SITLA lands and the County inspected the lines on County property. All inspections

passed the requirements in terms of compaction and placement of lines. The applicant was advised that the approval was not for any development which was indicated on the drawings. It was only approved for looping of the system for better pressure. No laterals have been installed and have not been approved at this point in time.

Chairman Wilson asked if the as-builts were submitted. Mr. Edwards answered they were.

Commissioner Stucki asked about the graded property and if it was being used as a roadway. Mr. Edwards answered it was not. It has been blocked off. There is new growth of sage and junipers and seems to be coming back to its original state.

Motion: Commissioner Stucki MOVED to recommend the County Commission approve the Conditional Use Permit Extension to install water lines from the source across SITLA land for future growth and upgrade for development in Dammeron Valley on a permanent basis; Dammeron Corp/Brooks Pace, applicant and Brown Engineering, agent. Commissioner SECONDED. The motion carried with all five (5) Commissioners voting in favor.

This item will go before the County Commission on April 17, 2012 for consent.

III. CONDITIONAL USE PERMIT EXTENSION. Review extension for a Communication Tower for Verizon Wireless at Big Mountain Communications Facility in Section 4, T38S, R16W, on Forest Service property near Enterprise; Connie Misket/Technology Associates International Corporation, applicant.

The planner reported this is the 4th extension. The project is almost complete with the final inspection needed. The Permit (#6227) was issued on March 25, 2011 and the footing inspection was completed on September 19, 2011. Communication towers are conditionally approved within the OSC-20 zone. As previously reviewed, the applicant submitted the site location plan and photos of the project site showing what the site looks like currently, the Forest Service agreements were to be signed at the beginning of 2010 (see copy of previous minutes). There is a requirement for collocation and the accessory equipment shelters exist. This application meets the requirement for a "lattice type" tower and there may be no need to create a "fall" zone, as this property is located a great distance from other private property, with the leased area being 100' x 100' and the tower being located on the north side of the parcel. The steel lattice tower is 100' in height with an underground concrete foundation. There is a 6' tall chainlink fence with barbed wire for security purposes. The applicant is in the process of upgrading and adding another dish to the tower and needs additional time to complete the project. She suggested the Commission recommend a six (6) month approval.

Peter Simmons representing Verizon Wireless reported the project was not yet completed. He stated the tower has changed hands. It is now owned by Rocky Mountain Power. Negotiations have taken place or with them for approval of a new microwave dish for better service. He gave the history of the project. He asked that an extension be made for one (1) year. There is currently an open permit on the project and he has been working with the building department to get that permit finalized and the project on line.

Commissioner Balen asked if it was being used. Mr. Simmons answered he did not know but thought it was not currently in use.

The Commission asked a few short questions on the 4G system and when it would go on line, which Mr. Simmons answered to the best of his ability.

Motion: Commissioner Balen MOVED to recommend the County Commission approve the Conditional Use Permit Extension for a Communication Tower for Verizon Wireless at Big Mountain Communications Facility in Section 4, T38S, R16W, on Forest Service property near Enterprise; Connie Misket/Technology Associates International Corporation,

applicant, for one (1) year; Commissioner Everett SECONDED. The motion carried with all five (5) Commissioners voting in favor.

This item will go before the County Commission on April 17, 2012 for consent.

IV. ORDINANCE AMENDMENT. Consider approval on amendment to the Washington County Land Use (Zoning) Ordinance, Title 10, Chapter 26, Family Burial Grounds; County Initiated. (*Tabled March 13, 2012*)

The commission reviewed this chapter at the previous meeting and suggested a few corrections. Those corrections have been made to the document. As reviewed previously, this is an amendment that staff has looked at for several months after a pending ordinance was called for by the County Commission and staff would like to have the addition implemented. The Planning Commission may want to recommend approval as the modifications have been made. If approved, this will go before the County Commission as a recommendation on the 17th of April.

County Attorney, Rachelle Ehlert handed out the revised draft ordinance to the commission. She reported the County Recorder, Russell Shirts, has indicated he would create a form that can be filed with the County that would be a record as opposed to a deed. The record would reference the Death Certificate Registration Number for the person who has been interred. Death certificates can also be filed, which happens often to sever joint tenancy estates.

A discussion on the amendment changes took place which included recording the location of internment for each body and how the information would be provided to the public in the event the property is sold. Staff advised the Commission the item needs to be passed today for the County Commission to act on it or it will lapse and nothing will be in place.

Commissioner Jones suggested attaching the Ordinance to the Obama health care bill.

The Commission discussed and made the findings of fact as follows:

Findings of Fact:

1. Currently, no regulations are in place and by creating this Ordinance it would allow an avenue to serve a public purpose and cover health, safety, and welfare issues of public requirements.
2. This will address a growing public need and requests for low cost burials.

Motion: Commissioner Stucki **MOVED** to recommend the County Commission amend the Washington County Land Use (Zoning) Ordinance, Title 10, Chapter 26, Family Burial Grounds with a few of the corrections discussed to be made by the County Attorney with the following Findings of Facts:

1. Currently, no regulations are in place and by creating this Ordinance it would provide an avenue to serve a public purpose for family burial grounds and cover health, safety, and welfare of public requirements.
2. This will address a growing public need and requests for low cost burials.

Commissioner Balen SECONDED. The motion carried with all five (5) Commissioners voting in favor.

V. DISCUSSION ITEM/ORDINANCE AMENDMENT. Consider approval on an amendment to the Washington County Land Use (Zoning) Ordinance, Title 10, Chapter 7, Agricultural Zone, Conditional Uses: Private Recreation Grounds and Facilities; County initiated.

The planner informed the commission that this particular amendment is in keeping with suggestions from staff in an effort to make the Ordinance consistent with what is allowed in rural areas. This change allows for family recreation within the Ag Zone where we have been seeing some use and requests that may be

addressed as conditional uses, instead of requiring a zone change. Recreation sites are approved this way within the OST-20 zone. There are large block areas of the A-20 zone in New Harmony, Pinto, Pine Valley, Smiths Mesa, and Enterprise where property owners go to have family reunions. This change is as simple as listing private recreational areas as a conditional use within the A-20 Zone. If the planning commission agrees, this will be advertised for the hearing process and will be posted on the next available planning agenda, May 8, 2012.

The Commission and Staff discussed the item in great detail. The discussion included allowing restrooms to be constructed on the properties for recreational uses; other zones where this use is conditional; making these requests a conditional or permanent use; fire issues; and, the impact of costs associated with these requests.

Kurt Gardner, Building Official, stated that once there is a bathroom in place, it becomes "living space" which is something they are trying to avoid. People would add onto those bathrooms with a pavilion which, turns into an enclosed room and little by little more rooms are added. If a conditional use permit is required, there would be more control in place to prevent "cabins" being built. He suggested that if this were to be approved as a permanent permitted use, the restrooms be constructed like the forest service required restrooms. That would eliminate potential problems.

After a lengthy discussion, Staff suggested reviewing the changes and bringing the item back at a future meeting. The commission agreed.

Motion: Commissioner Ford MOVED to table consideration of an amendment to the Washington County Land Use (Zoning) Ordinance, Title 10, Chapter 7, Agricultural Zone, Conditional Uses: Private Recreation Grounds and Facilities, to a future meeting for additional review by staff; Commissioner Everett SECONDED. The motion carried with all five (5) Commissioners voting in favor.

VI. DISCUSSION ITEM – EVENT TIME LINES. Review events scheduled for use on SR-18, Gunlock Road, and Old Highway 91; County initiated.

The Planner stated the different types of events were reviewed previously and charts were presented. The County Engineer should have costs for improvements to Old Hwy 91 and the Gunlock Road, which the County controls and the Commission may approve events to utilize. UDOT's future plan for SR-18 is to make it a four lane to Winchester Hills. They have already invested in the bike trail, which no one uses. As previously reviewed, the County Commission asked Planning Staff to look at the approved event uses on SR-18, Gunlock Road, and Old Hwy 91, whereas they are receiving complaints from the public on the amount of activity on these roads. The Commission recognizes that revenue generated from these types of events is good for the area, especially in these down times. After charting the different events, there would be a lot of activity, possibly two months in advance of the St. George IRONMAN for training purposes, plus two additional bike rides, a team relay, and a marathon. There are also several local bike groups and individual riders utilizing the roads. Staff thought of taxing bike usage, such as motorized vehicles or charging more for events in order to pay for the costs of improvements to the roads. It was suggested that there should be more promotional publicity or public awareness in the area of these events, i.e. signage, advance notice given, organization responsibility in addressing public concerns and complaints. Public Works and Questar indicated that the event coordinator should NOT use permanent paint for marking the roads... Yellow and green are completely off limits as those are used for utility markings. They should be using biodegradable markers or signage that will be removed immediately after the event. It was suggested by staff that we also look at events on SR-9 on the east end of the County, although the County area of jurisdiction consists of three miles between Virgin and Rockville.

Todd Edwards reported on the costs for reconstruction of roads, which could be approximately \$20.00 per linear foot. The amount to reconstruct the Gunlock Road and Old Hwy 91 would cost approximately 7.4

million dollars for bike lanes. This is beyond the County's budget. Highway 18 is a state road and therefore it would be up to the UDOT to make those improvements.

A discussion regarding bike paths and safer routes for special events took place. Commissioner Stucki suggested chip sealing the county gravel roads for these types of uses. Mr. Edwards stated it would be better to asphalt them due to the number of layers needed and riders don't like to ride on chip sealed roads. He stated cost effective improvements are possible, which was discussed. The discussion included using paved county roads not currently being utilized; the number of events and riders; safety issues; and, improvements for bike lanes and the maintenance of roads.

Staff indicated they would draft a letter to the County Commission for a direction to appoint either a committee or individual to review events coming into the county in regards to safety and enforcement issues. The commission indicated they would like the letter to have the committee or appointee to address signage, enforcement, community policing, routes, costs, and public awareness issues.

VII. STAFF DECISIONS. Review of decisions from the Land Use Authority Staff Meeting held on April 3, 2012; County initiated.

The Planner reported on the Staff meeting held April 3, 2012, which are as follows:

ACTIONS OF THE LAND USE AUTHORITY STAFF MEETING

April 3, 2012

The staff meeting convened at 9:30 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; Rachelle Ehlert, Deputy Civil Attorney; Todd Edwards, County Engineer; Darwin Hall, Ash Creek Special Service District; Tina Esplin, Washington County Water Conservancy District; Director Paul Wright, Department of Environmental Quality; and Robert Beers, Southwest Utah Public Health Department.

Excused: Ron Whitehead, Public Works; and Becky Marchal, Questar Preconstruction Specialist

CONDITIONAL USE PERMIT:

A. Request permission for an accessory dwelling (garage/bath) within the Old Spanish Trail Homesteads, 2 amended, lot 6A, in the Veyo area. Steve & Kate MacFarlane, applicant.

This is a 3rd extension review; previously approved as an accessory dwelling (full bath) within a garage structure, which is located at 194 S. 300 W. (Volcano Dr), in Veyo, Utah. The applicant submitted a site plan and a floor plan reviewed by the building staff, with a file copy submitted for the planning file. The septic permit is approved for the main dwelling with 1 bedroom and is adequate to accommodate 3 more bedrooms. A trench inspection was made on November 11, 2011. A final inspection needs to be made for permit #6101. This is a remodel of the garage that is less than 900 sq. ft. meeting requirement for an accessory dwelling. **The extension on the Conditional Use Permit was approved for an additional six (6) months.**

B. Request permission for a single family dwelling within the A-20 zone, Prince Lot Split #5, in the New Harmony area. Steve Persing, applicant and Tony West, agent.

This is the 3rd extension review. Previously, the applicant met the requirements for the Conditional Use Permit by submitting a site plan, deeds of ownership, septic permit from the Southwest Utah Public Health Department (SUPHD), and a culinary water use from the North Valley Water Company. Single family dwellings are conditionally approved within the A-20 zone, with this property containing a total of 20 acres. The property is accessed from the Old Hwy 144 to 900 East, then right on 800 North and left on 1400 East, generally located in the Red Butte area of Bumblebee Range. The site plan meets all setback

requirements of 25' on all sides, rear and front. The Wildland Urban Interface for fire protection would need to be addressed during the permitting process at the staff level. **The applicant decided to remove the shower from the bath in the barn, so they would not be using up their 2nd dwelling permit on this use. No permit has been issued as yet; the initial work that went into applying for the conditional use should be enough to keep the permit active for another year.**

Staff reviewed two (2) Conditional Use Extension items to be reviewed by the Planning Commission on their regular agenda. They reviewed a Discussion Item for a revised concept drawing of Palace Pass Renaissance Resort at Exit 33 on I-15, Snowfield area for Verna Conde. Discussion Item on event time-lines for use of roads on SR-18, Gunlock Rd., and Old Hwy 91. Ordinance Amendments for Family Burial Grounds and Private recreation grounds and facilities scheduled for Planning Commission review.

VIII. MINUTES. Consider approval of the minutes of the regular Planning Commission meeting held March 13, 2012; County initiated.

A short discussion regarding corrections to the minutes occurred.

Motion: Commissioner Ford MOVED to adopt the Minutes of March 13, 2012 as corrected. Commission Stucki SECONDED. The motion carried with all five (5) Commissioners voting in favor.

IX. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on Planning Items; County initiated.

The Planner reported the Washington County Commission took action on the following items during their March 20, 2012 meeting: (A) Conditional Use Extension for an exception to height limitations on a 60' silo and to establish a batch plant at Snowfield Rock Products, which is an existing gravel crushing operation north of Pintura; Tom Walbom/Granit Construction Company, applicant; and (B) Conditional Use Extension for a bike ride "Tour Del Sol" to be held on Saturday, March 31 and April 1, 2012. The route will loop from St. George up Hwy. 18 to Veyo then back via the road from Veyo to Gunlock and Hwy. 91 to Beaver Dam area and back to St. George; Spin Geeks, LLC/Red Rock Bicycle, applicant.

X. COMMISSION & STAFF REPORTS. General reporting on various topics; County initiated.

There were no reports made.

Commissioner Ford moved to adjourn the meeting at 3:00 p.m.

Doreen Bowers-Irons, Planning Secretary
Approved: 08 May 2012